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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week in Review

On Tuesday, the General Assembly convened in joint session, first to hear an address by the newly-crowned Miss USA, Miss Francis Louise Parker, and then to elect members of the Public Service Commission. In her address, Miss Parker spoke of her experiences as a high school teacher and the problems of school violence and urged legislators to develop programs to improve education. The General Assembly then proceeded to elect the following persons to the Public Service Commission, for the congressional districts listed below:

1st Congressional District.....William Saunders
2nd Congressional District.....Charles Scott
3rd Congressional District.....Guy Butler
4th Congressional District.....Philip Bradley
5th Congressional District.....Cecil Bowers
6th Congressional District.....Warren Arthur, IV
At-Large.....Rudolph Mitchell

On Wednesday, the House gave second reading to H. 4821, a joint resolution appropriating monies available in the Capital Reserve Fund for Fiscal Year 1993-1994, and also gave second reading to H. 4822, a joint resolution making supplemental appropriations from Fiscal Year 1993-1994 Surplus Revenues.

The second half of the House week was dominated by consideration of H. 4633, a bill introduced by Representative Billy Boan to phase out residential school operating taxes and place caps on local government spending growth. The House debated several amendments to the bill, including one (narrowly rejected) which would have raised the state sales tax from 5 percent to 8.5 percent while eliminating all property taxes. A motion to recommit the bill to the House Ways and Means Committee for further study was defeated on Wednesday afternoon but approved on Thursday morning by a vote of 69-49. With H. 4822 having been recommitted to committee, the House is expected to give third reading to the general appropriation bill, H. 4820, this week, after which it will be sent to the Senate for further consideration.

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Expanded Summary of Budget Highlights

An expanded summary of the House-passed version of the 1994-1995 Appropriation Bill (state budget) is listed below. (Because of time limitations, only a more limited version had been included in the March 15 Update.)

---Requires driver's licenses to be renewed every 5 years, instead of every 4 years, with the cost of obtaining a new or renewed license increasing from \$10.00 to \$12.50. The fee to replace a lost driver's license increases from 50 cents to \$3.00.

---Revises eligibility requirements for dealer license plates. Under current law, dealers selling more than 10 but less than 50 vehicles a year may obtain one dealer plate at the cost of \$300, while dealers selling 50 or more vehicles may obtain one plate for every 20 vehicles sold, at a cost of \$20 each. Under this proviso, the \$300 fee for dealer plates for dealers selling under 50 vehicles is eliminated, and dealers selling 20 vehicles a year may purchase 2 plates and purchase one additional plate for every 15 vehicles sold beyond the initial 20, meaning for example, that a dealer selling 35 vehicles could obtain 3 license plates, while a dealer selling 50 vehicles could obtain 4 license plates. The cost for these dealer plates, regardless of the number acquired, is \$20 each. Also allows dealer plates to be used on vehicles loaned for test driving purposes to a dealer and allows 2 dealer plates to be issued to a person who operates an automobile graveyard. Also revises the definition of "heavy duty trucks" as pertains to dealer plate eligibility to provide that a heavy duty truck is one having a gross vehicle weight of 16,000 pounds or greater.

---Allows motor vehicle dealers or wholesalers to use transporter license plates to transport vehicles to and from a place of sale, to a place of repair for repair purposes between 7am and 8pm, and to road test the repaired vehicle or truck within a 5-mile radius of the repair facility also within those same hours.

---Requires at least 50 percent of a county's apportionment of gas tax monies under the "C" Funds Program to be applied to the state highway system, while up to 50 percent of these monies may be used for local paving and improvements.

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---Provides a 2 percent "across the board" pay raise, effective July 1, and a 1.6 percent merit pay raise for state employees, effective October 1. Fully funds the State Health Plan premium increase for the fourth straight year, meaning that state employee, school district employees and retiree premiums will not increase.

---Sets salaries for the 9 statewide-elected constitutional officers upon assumption of office next January. The governor's salary rises to \$106,078; the lieutenant governor's salary rises to \$46,545; while the salaries of each of the remaining constitutional officers (secretary of state, treasurer, attorney general, comptroller general, superintendent of education, adjutant general and commissioner of agriculture) increases to \$92,007. These salaries would increase 2 percent each July in 1995, 1996, 1997 and 1998, contingent, however, on state employees receiving a cost of living salary increase of 2 percent or more for that year.

---Provides \$16.9 million in property tax relief, an amount which may be increased in future years.

---Repeals the State's Mandatory Vehicle Inspection Law.

---Prohibits a magistrate from imposing a sentence exceeding 90 days, which will prevent up to 2,000 offenders from being processed through the Department of Corrections at a savings of approximately \$800,000.

---\$63 million in additional appropriations for public education, to fully fund the Education Finance Act and to cover inflation of 2.4 percent. Maintains fringe benefits at current percentage of state and local funding; provides \$11 million for instructional materials, with \$1 million specifically allocated for library media resources; procures an estimated 2,000 school buses through a lease-purchase agreement. Also fully funds the southeastern states' average teacher salary of \$30,457.

---Additional \$40.9 million for higher education, with \$23.6 million in recurring and \$17.3 million in non-recurring funds. \$32.5 million is appropriated for formula funding; \$1.8 million is for the Southeastern Manufacturing Technology Center, and \$6.6 million is to pay for the "Other Funds" share (tuition and fees) of the pay plan.

---Appropriates \$800,000 to the Department of Mental Health for piloting of a project to provide mental health services to several middle schools, with the purpose being to replicate the program and evaluate independently its impact on disciplinary actions, violence prevention and creation of an environment more conducive to learning.

---Phases in, over 4 years, an additional tax exemption for children under age 6 equal to the federal income tax personal exemption (currently \$2,350), with the additional deduction contingent on funding in the appropriation act annually.

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---Appropriates \$3.2 million in non-recurring funds for Department of Social Services Child Support initiatives and for a welfare reform self-sufficiency pilot project.

---Appropriates \$24.9 million to maintain the current Medicaid Program; \$4 million to provide for nursing home inflation, and \$250,000 for a new "Substitute Home Care" program.

---Appropriates additional \$23.7 million for the Department of Corrections, with \$10.1 million to open the Turbeville Correctional Institution, \$3 million for operations of the Trenton Youth Facility and \$2.2 million for the new correctional facility in Lee County. Also, increases funding of the Community Control System by \$3.6 million, to provide for 2 new community control centers and appropriates \$2.4 million in non-recurring funds for Community Control System expansion, home detention expansion, and computer needs.

---Provides \$5.2 million additional for Juvenile Justice (\$3.4 million recurring and \$1.8 million non-recurring funds) to expand community placement, provide intensive care management, wilderness programs, detention center programs and related needs.

---Provides \$6.7 million additional for the Department of Disabilities and Special Needs, to offset appropriation reductions imposed on the budget, maintain services at the local boards, support in-home family support services, prevention programs of local boards and at the Greenwood Genetic Center. Also this total includes \$1.6 million in recurring funds for Babynet, to be used to employ Early Interventionists at the local boards who will provide services to children under age 3 with physical and developmental disabilities; and \$1 million to provide residential services, family support services and vocational services for survivors of head and spinal cord injuries.

---Prohibits the Department of Revenue and Taxation from licensing video poker games which are located or intended to be located on watercraft or vessels plying on South Carolina's territorial waters.

---Allows employees, retirees and their eligible dependents of municipalities and special purpose districts which provide recreation service to obtain coverage under the state health and dental insurance plans.

---Amends the definition of "Index of Taxpaying Ability", for purposes of the Education Finance Act, to mean the index of a district's relative fiscal capacity (in relation to other districts in the state) based on the full market value of all taxable property of the district assessed on the basis of property classification assessment ratios for the most recent instead of the second, completed taxable year preceding the fiscal year in which the index is used. Also requires a district's index of taxpaying ability to be adjusted to reflect the true market value for a

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manufacturing facility that is closing or has closed in the current year, if that facility represented more than 2 percent of the total local revenue for that district.

---Allows an officer in charge of a detention facility (local jail or state correctional facility) to set criteria for deduction from an inmate's accounts to repay costs of public property wilfully destroyed by inmate during incarceration; medical treatment for injuries inflicted by inmate on himself or others; searching for and apprehending the inmate when he escapes or attempts to escape; or quelling a riot or other disturbance in which an inmate is unlawfully involved. Additionally, deductions may be made from inmate's accounts to defray the costs paid by a municipality or county for an inmate's medical treatment, when the inmate requests treatment, provided the deduction does not exceed \$5.00 for each occurrence of treatment received by the inmate at his request.

---Prohibits the Department of Corrections from using state funds to maintain or operate weight rooms for recreational use by inmates incarcerated in the department's facilities, and also prohibits the use of state funds to purchase or maintain equipment or for personnel for these purposes beyond equipment/personnel currently in inventory.

---Prescribes criminal and civil penalties for insurance fraud, with the crime being a misdemeanor upon first offense and a felony for a second or subsequent violation. Also establishes an Insurance Fraud Division within the Attorney General's office to prosecute insurance fraud and requires the State Law Enforcement Division to investigate cases of alleged insurance fraud.

---Increases from \$5/day to \$8.50/day the per bed fee paid to the Department of Disabilities and Special Needs by licensed Intermediate Care Facilities which provide care for the mentally retarded. The General Fund will receive an additional \$4.1 million from this increased fee, to be appropriated back to the Department of Disabilities and Special Needs for services.

---Prohibits state-supported colleges and universities, including technical colleges, from increasing tuition and fees charged to in-state undergraduate students until the institutions recapture and maintain 100 percent of the total education and general cost for out-of-state undergraduate students. Beginning this July, the Commission on Higher Education would reduce the subsidy for out-of-state undergraduate students by 5 percent each year until the state subsidy is at 25 percent of total education and general cost.

---Establishes within the Medical University of South Carolina the Diabetes Initiative of South Carolina Board, the purpose of which is to establish a statewide program of education, surveillance, clinical research, and translation of new diabetes treatment methods to serve the needs of South Carolinians with diabetes. Also establishes a Diabetes

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Center for Excellence at the Medical University of South Carolina and at the University of South Carolina. These centers would develop and implement programs of professional education, specialized care and clinical research in diabetes and its complications.

---Requires the Department of Health and Environmental Control to establish an Infectious Waste Program Fund to ensure adequate funding to carry out its responsibilities under the State's Infectious Waste Management Act. Revenue for this fund would be derived from fees imposed on the treatment of infectious waste in South Carolina, with an amount equal to \$8/ton from those fees deposited into this new Fund. Also eliminates the differential charged for treatment of infectious waste generated outside South Carolina (currently \$30/ton for infectious waste generated outside the state, compared to \$25/ton for waste generated within South Carolina), so that the fee imposed on all infectious waste treated in the state is \$25/ton. Provides that any infectious waste treatment fees remaining after funding of the Infectious Waste Program Fund must be allotted to the Infectious Waste Contingency Fund.

---Requires local school districts receiving funding under the Appropriation Act to provide for a moment of silent prayer each day. Districts failing to do so would be ineligible for funding provided in the act for higher order thinking skills.

---Authorizes the State Budget and Control Board to issue a maximum of \$15 million of general obligation debt of the State, in form of a promissory note, to be applied to upcoming repairs and renovations of the State House.

---Requires each public water supply to pay the Department of Health and Environmental Control a user fee not exceeding 50 cents a month for each service connection, based upon the number of service connections in use of July 1 of the state fiscal year in which the user fee is to be paid. This fee would enable the Department to ensure compliance with tougher drinking water standards under the amended Federal Safe Drinking Water Act.

---Allows a person purchasing a retail business which sells beer or wine from a holder of a retail permit to sell beer or wine at the business to be issued a temporary retail beer or wine permit by the Department of Revenue and Taxation at the time of purchase of the location, under certain circumstances (e.g., criminal background check, etc.).

---Provides that all fees and charges imposed or collected by the Public Service Commission for its operations may be retained by the Commission, except for those fees and charges attributable to the Transportation Division of the Public Service Commission that are in excess of the division's operating expenses. These excess fees must be remitted to the State Treasurer and credited to the State's General Fund.

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---Increases the size of the Legislative Audit Council from 3 to 5 members and requires one of the members to be an attorney. Also deletes the Speaker of the House and Lieutenant Governor as ex-officio members of the Council and deletes provisions prohibiting ex-officio members from voting on matters pertaining to auditing functions and personnel matters. Reduces the size of the nominating committee (responsible for nominating council members) from 7 to 6 members and requires 3 of the committee members be appointed by the President of the Senate and 3 to be appointed by the Speaker of the House. (Currently, of the 7 members of the nominating committee, 2 are appointed by the governor; 2 are elected by the Senate; 2 are elected by the House, and one is appointed by the State Board of Accountancy). Requires the director of the Council, when a vacancy occurs on the Council, to immediately notify the Speaker and the Senate President and also requires that if the General Assembly is in session at the time notice is given, a nominating committee must be appointed within 15 days of the notification, and the election must be held within 45 days of notification and no later than sine die adjournment of the General Assembly.

---Prohibits a state agency or instrumentality of the State (except for local political subdivisions, special purpose districts and special taxing districts) from entering into a settlement of any litigation, dispute or claim over \$100,000 requiring the expenditure of monies appropriated or provided for in a general or supplemental appropriations act, or from any other source of public funds, without prior written approval from the Budget and Control Board. This is intended to prevent state agencies or instrumentalities from entering into settlements that can bind and commit the State to unreasonable funding requirements from current or future revenues of the State. However, in keeping with this intent, the Budget and Control Board may, in its discretion, exempt any entity or specific legislation matter from this requirement.

---Prohibits a deputy director, deputy commissioner or deputy division director of a state agency from being dually employed by another state agency or institution of higher education without prior approval by the Agency Head Salary Commission and the Budget and Control Board. This restriction applies to dual employment entered into after June of 1994.

---Authorizes the State Law Enforcement Division to charge a witness fee of \$100/hour, up to \$400/day, for each criminalist testifying in civil matters which do not involve the State as a part in interest. This fee must be charged in addition to any court-prescribed payment due as compensation or reimbursement for judicial appearances and deposited in a designated revenue account.

---Revises Income Tax Withholding Requirements for persons, firms, corporations and other entities which do business or have income/employees in this state. For example, requires firms, etc. to withhold 7 percent of the total amount of payments of \$1,200 or more, instead of \$800 or more, made yearly to a nonresident of rentals or royalties for the use or

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privilege of using property in South Carolina, and lowers the withholding rate from 6 percent to 5 percent if the rental/ royalty payments are made to a corporation. Also allows firms, etc. required to withhold for these royalty/rental payments or for contracts of \$10,000 or more with nonresident taxpayers performing temporary services within South Carolina to obtain withholding exemption by registering with the Secretary of State or the Department of Revenue and Taxation.

---Requires the State Auditor and the State Chief Economist to jointly contract for an independent study to examine sales tax exemptions, including items subject to a maximum tax. The study must report whether or not these items are meaningful exemptions that provide for a positive economic impact on the state, fair and competitive, but not excessive, economic incentives for businesses competing in a global economy.

---Lists new provisions for the collection and distribution of court fees, fines and penalties. Adds assessments to fines imposed on persons convicted of offenses tried in circuit court, general sessions court, family court, magistrate court or municipal court.

---Restructures cultural agencies by transferring the duties, employees, powers, etc. of the Arts Division, State Library, State Museum, State Archives and History Commission and the Confederate Relic Room to a newly-established Department of Cultural Affairs. This department would be headed by a director appointed by the governor with the advice and consent of the Senate, and the director would be vested with the duty and authority to oversee, manage and control the operation, administration and management of the department.

---Prohibits state employees from using state funds to purchase first class airline tickets. Also provides that total reimbursement for lodging and meal expenses incurred by state employees while traveling on state business may not exceed the maximum daily allowance applicable for federal employees while on official business.

---Provides requirements for subsistence reimbursement for Justices of the Supreme Court or Judges of the Court of Appeals. Prohibits subsistence reimbursements to Supreme Court Justices or Court of Appeals Judges while traveling in their county of official residence but allows subsistence expenses in the amount: (1) of \$35/day plus mileage allowance as provided for other state employees when a Justice or Judge travels on official court business within 50 miles outside the county of his official residence, or (2) equal to the subsistence expenses allowed for General Assembly members plus a mileage allowance as provided for other state employees when traveling 50 or more miles outside his county of official residence when traveling on official court business. Also prohibits subsistence reimbursements for a Circuit Judge or Family Court Judge while holding court in the county where he resides. If the Circuit or Family Court Judge holds court or is on other official business outside the county but within the circuit where he resides and within 50 miles of his

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residence, then he is entitled to subsistence allowance of \$35/day, while a judge holding court or on other official business at a location 50 or more miles from his residence is allowed a subsistence allowance equal to the amount provided for members of the General Assembly.

---Transfers the Food Stamp Fraud Unit of the Department of Social Services to the Attorney General's office, effective January 1, 1995, with the duties, functions and powers of the Unit devolved upon the Attorney General's office.

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Bills Introduced

The following bills were introduced in the House last week. Not all bills introduced in the House are featured here. The summaries are arranged according to the committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Use of Artificial Lights From Vehicles to Observe or Harass Wildlife Prohibited in Game Zone 3 (H. 4920, Rep. Rudnick). Current law prohibits the use of artificial lights from a vehicle or water conveyance for the purpose of observing or harassing wildlife in Game Zone 1 (Greenville, Oconee and Pickens Counties), a misdemeanor punishable by a maximum fine of \$100 or imprisonment not exceeding 30 days. This bill would extend that prohibition to include Game Zone 3 (Aiken, Calhoun, Lexington and Richland Counties).

Closed Season for Taking of Shad on the Edisto River Revised (H. 4921, Rep. Rhoad). This bill revises provisions pertaining to the closed season for taking shad on the Edisto River. Under current law, the closed season on this river runs from April 15 each year to January 15 of the following year from the river's headwaters to the U.S. 17 bridge at Jacksonboro and from April 1 each year to January 15 the following year from that bridge seaward. If this bill is adopted, however, the closed season on this river will run from April 30 each year to January 15 of the following year from the river's headwaters to the U.S. 15 bridge at Canadys (near Interstate 95 in Colleton County) and from April 1 each year to January 15 of the following year from that bridge seaward.

Education and Public Works

Trucks and Other Vehicles Which Transport Motor Vehicles Must Be Equipped with Full Rear Bumper (H. 4909, Rep. Cromer). This bill requires trucks, trailers or vehicles which carry or transport motor vehicles to be equipped with a full rear bumper, for the purpose of preventing primary contact with the front windshield of a motor vehicle if there is a rear collision. The bill defines "full rear bumper" as one which extends from each side flush with the vehicle.

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Persons May Not Operate Motor Vehicles While Wearing a Cervical Collar (H. 4915, Rep. Rhoad). This bill prohibits anyone from operating a motor vehicle on the State's public roads while wearing a cervical collar (i.e., neck collar). Violation of these provisions is punishable by a fine not exceeding \$200 and imprisonment not exceeding 30 days.

Judiciary

Blood and Body Fluids and Tissue Remaining on Public Property after Accident or Crime Must be Removed by Government Entity Responsible for that Property (H. 4913, Rep. Govan). Under these provisions, the governmental entity responsible for maintenance of public property (e.g., roads, public buildings) where an accident or crime has occurred must disinfect and dispose of blood, body fluids or body tissue left from the accident or crime. These disinfection and disposal activities must be performed as soon as practicable after the conclusion of the investigation of the accident or the search of the crime scene and must be conducted pursuant to the recommendations of the Department of Health and Environmental Control.

Law Enforcement Agency Investigating Scene of Accident or Crime on Private Property Where Blood, Body Fluids and Tissue Remain Must Notify Owner of Presence of These Items (H. 4914, Rep. Govan). This bill requires the law enforcement agency having original jurisdiction for investigating the scene of an accident or crime on private property where blood, body fluids or body tissue remain to provide written notification to the property owners or occupants that these elements are present on the property and that the Department of Health and Environmental Control may be contacted for information as to proper treatment or disposal of the blood, body fluids or body tissue. Any law enforcement agency or offices or state or local governmental office, employee, agency or entity is immune from liability for any acts or omissions performed under these provisions so long as these acts or omissions were committed in good faith and do not constitute gross negligence, recklessness, wilfulness or wantonness.

Creation of Offense of Domestic Assault (H. 4934, Rep. Cobb-Hunter). This bill amends several of the state's statutes and adds several statutes to strengthen enforcement of the state's domestic violence laws, as follows:

- Creates the misdemeanor offenses of domestic assault and domestic assault and battery, consisting of an assault or assault and battery on a person's family or household members.

- Strengthens the penalties for persons convicted of criminal domestic violence as follows:

- (a) Increases from \$200 to \$500 the maximum fine which may be imposed on a person convicted of this crime the first time and allows the court to order the defendant to complete, if available, a program designed to treat battering spouses or other counseling.

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(b) Provides a penalty of a maximum fine of \$3,000 and/or imprisonment not exceeding 3 years for persons convicted of criminal domestic violence a second time. Currently this penalty is imposed on a person convicted of this crime a third time.

---Amends the definition of "family or household member" as pertains to enforcement of the state's criminal domestic violence statutes to include persons cohabiting or formerly cohabiting.

---Provides that the sentence imposed on a person convicted of criminal domestic violence a second or subsequent time cannot be suspended.

---Provides that a conviction or guilty plea to charges of domestic assault or domestic assault and battery must be considered a previous conviction of criminal domestic violence for purposes of imposing tougher penalties on persons convicted more than once for this crime and for expungement of criminal records.

---Provides that a person who violates an order of protection issued under the Protection from Domestic Abuse Act by causing or offering or attempting to cause physical harm or injury to the person's family or household member(s) is guilty of criminal domestic violence and must be punished accordingly (maximum \$500 fine or 30 days' imprisonment for first offense, maximum \$3,000 fine and/or 3 years' imprisonment for subsequent offenses). If the person while violating the order does not harm or attempt to harm his family or household member(s), he then must be imprisoned not more than 30 days or fined not more than \$500.

---Expands the definition of "family or household member" under the State's Protection from Domestic Abuse Act to include persons cohabiting or formerly cohabiting, and persons who have a child in common.

---Provides that an order of relief protecting an abused family or household member from mental or physical abuse from another person and protecting the abused's property continues in effect indefinitely unless the Family Court provides otherwise. These provisions also specify that the current primary duty of a law enforcement officer in responding to a domestic abuse incident--namely, to enforce the laws allegedly violated and protect the abused person if facts are found which substantiate the complaint--applies whether or not an order of protection has been issued. The current protective measures the officer is to take in these incidents (e.g., notifying the abused person of the right to initiate criminal proceedings and to seek an order of protection) is in addition to the authority an officer has to arrest a person, in case of probable cause, whom he believes is committing or has committed criminal domestic violence or violation of an order of protection.

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The bill also broadens the powers of the Family Court when the court has issued an order of protection. Under these provisions, once the court has held a hearing for such an order under the Protection from Domestic Abuse Act and has issued such an order, the court also may order the "respondent" (i.e., the person alleged to have abused a family or household member or aided in such abuse) to complete (if available) a program designed to treat battering spouses or may order other family or household members to attend a program of intervention. In requiring the respondent or others to complete or attend these programs, the court may order the respondent to pay for the counseling, depending on his ability to pay.

Agricultural Facilities and Operations Exempt from Zoning and Development Standard Ordinances (H. 4935, Rep. Witherspoon). This bill exempts agricultural facilities and agricultural operations from zoning and development standard ordinances enacted by counties or municipalities. This exemption, however, does not apply to buildings designed for public access.

Jury Instructions for Murder Sentences (H. 4938, Rep. Simrill). This bill requires a trial judge to explain to a jury empowered to determine a sentence for a person convicted of murder that a defendant receiving a sentence of life imprisonment is eligible for parole after serving either 20 years or 30 years, depending on the circumstances of the case. (Under current law, a person who is convicted of or pleads guilty to murder must be punished by death or life imprisonment and is ineligible for parole until 20 years' service, except that if the State seeks the death penalty and an "aggravating circumstance" [e.g., murder was committed during armed robbery, kidnapping, etc.] is found, but the jury does not recommend the death penalty, then the defendant must be sentenced to life imprisonment without eligibility for parole until the service of 30 years.)

Conditions Under Which Defendants in Child Abuse Cases are Exempt from Family Court Fees (H. 4939, Rep. Cobb-Hunter). This bill authorizes, instead of requiring, the Family Court to assess a \$100 fee against a defendant in a child abuse and neglect case and provides that the fee is authorized only after a hearing on the merits of imposing a fee. The bill also exempts a defendant from this fee if his legal assistance is paid for with public funds or is qualified for court appointment.

Expansion of Prohibition Against Commitment of Children Guilty of Certain Violations to Department of Juvenile Justice (H. 4940, Rep. Rogers). Under current law, a child who is guilty of a violation of law or other misconduct which would not be a criminal offense if committed by an adult, or who violates the conditions of probation for an offense, cannot be committed to the custody of a correctional institution or a secure evaluation center operated by the Department of Juvenile Justice. This bill would expand this prohibition so as to also forbid committing the child to the custody of those facilities if he has been found in contempt of court for violation of a court order related to the violation or misconduct as listed above.